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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

Master Docket No. 11-CV-2509-LHK

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION TO EXCLUDE
EXPERT TESTIMONY PROFFERED BY
DEFENDANTS**

Judge: Honorable Lucy H. Koh

Having considered Plaintiffs' Motion to Exclude Expert Testimony Proffered by Defendants, as well as of the parties' arguments in support of and against the Motion, the Court grants the motion and excludes the following:

1) Testimony by Defendants' expert witnesses regarding or relying on declarations of Defendants' employees or the interrogatory responses of the Defendants, including those cited by Defendants' experts as follows:

- a) **Stiroh Report**: p. 10 nn.32, 33, 35, 35; p. 11 nn.37-40; p. 12 nn.49, 52-54; p. 13 nn.56, 59; p. 14 nn.62-64; p. 15 nn.66-68, 70; p. 16 n.75; p. 17 nn.83, 84; p. 18nn. 86-88, 90; p. 19 nn.93, 94 99, 100; p. 20 nn.103-107; p. 22 nn.112, 114; p. 23 nn.117, 118, 121; p. 24 n.127; p. 25 nn.133, 134; p. 26 nn.135-138, 140, 141; p. 27 nn.148-150; p. 28 nn.151-156, 158, 159; p. 29 nn.160, 162, 163, 165-167, p. 30 nn.170, 171, 175; p. 36 n.189; p. 42 nn.206, 207; p. 43 n.211; and p. 65 n.275.
- b) **Lewin Report**: p. 16 n.9; p. 17 n.13; p. 22 n.23; p. 22-23 n.25; p. 41 nn.66, 67; p. 42 nn.72-75; p. 43 nn. 82, 84; p.48 n.101; p.52 n.113; p. 53 n.115.
- c) **Becker Report**: p. 7 nn.14, 19; p. 17 nn.56, 57; p. 34 n.95; p. 40 nn.113, 116; and p. 41 nn.117, 121.
- d) **Murphy Report**: p.16 n.25; p.18 nn.33, 34, 36, 37; p. 19 nn. 38-43; p. 20 nn. 44, 46, 47, 50, 51; p. 21 n.52, 55; p. 23 nn. 64, 65, 68; p. 24 nn. 73, 74; p. 25 nn.79-82; p. 26 nn.86-91; p. 27 nn.92, 95, 96, 98; p. 28 nn.99, 101, 102; and p. 29 n.103.
- e) **Snyder Report**: p. 11-12 n.10; p. 17 n.13; p. 18 nn.15-17; p. 30 nn.42, 43; p. 33 nn.51-52; and p. 34 n.58.
- f) **Talley Report**: p. 14 nn. 32, 34 and 35; p.15 nn. 45, 48; p. 16 nn. 51 and 54; p. 18 n. 68; and p. 26 n.97.

2) Testimony by defense experts that hiring and wages increased—in absolute terms—during the conspiracy period, for the purpose of suggesting anything about the effect of the violation on compensation.

1 3) Dr. Murphy's expert opinions relying on information concerning weather patterns
2 and a dataset of nationwide compensation data collected by the U.S. Census
3 Bureau.

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5 **IT IS SO ORDERED.**

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7 Dated: _____

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9 LUCY H. KOH
10 United States District Judge
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